



Kenneth H. Blodgett
Surface Transportation Board
Office of Environmental Analysis
395 E Street, SW
Washington, DC 20423

ET-18378
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September 29, 2010

Re: Finance Docket 30186 (Sub-No.3), Tongue River Railroad, Inc. – Construction and Operation of the Western Alignment; Extension of Expiration Date for Programmatic Agreement

Dear Mr. Blodgett:

Northern Plains Resource Council (Northern Plains) wishes to reply to your letter dated September 16, 2010, concerning the subject identified above. Northern Plains is opposed to the extension of the Programmatic Agreement for an additional 10-year period beginning November 1, 2010.

The Programmatic Agreement was originally written for a project that we believe is unlawful. Litigation on this case continues in the Ninth Circuit Court of Appeals. Until that case is settled, we cannot enter into an agreement, and we respectfully request that the extension for the Programmatic Agreement be shelved.

Sincerely,

Ed Gulick, Chair
Northern Plains Resource Council

cc: Advisory Council on Historic Preservation
Montana State Historical Preservation Officer
Northern Cheyenne Tribe